

### REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated November 15, 2006. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

#### Status of the Claims

As outlined above, claims 1-16 stand for consideration in this application, wherein claims 1, 7, 13 and 15-16 are being amended to correct formal errors and to more particularly point out and distinctly claim the subject invention.

All amendments to the application are fully supported therein. Particularly, support for the amendments to claims 1, 7 and 15-16 may found on page 7, line 27 – page 8, line 8 of the specification. Also, support for the amendments to claim 13 may be found on page 37, lines 13-17 of the specification. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

#### Formal Objections

Claims 7-14 were objected to on the ground of insufficient antecedent basis for the limitations in claims 7-8. Particularly, the Examiner asserted that there is insufficient antecedent basis for the limitations “the relative moving speed of said energy beam” and “said relative moving speed of said energy beam.”

Claim 7 is being amended so as to have sufficient antecedent basis of the limitations. Therefore, Applicants submit that claim 7 and its dependent claims 8-14 meet the formalities. Accordingly, withdrawal of this objection is respectfully requested.

#### Formal Rejections

Claim 13 was rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement. Particularly, the Examiner asserted that the terms “learning procedure” recited in claim 13 is not described in the specification as to what is performed therein.

Applicants submit that the terms “learning procedure” was improperly translated from the corresponding Japanese patent application. Therefore, claim 13 is being amended so as to replace this term with a properly translated term and thereby meet the requirements under 35

U.S.C. §112, first paragraph. Accordingly, withdrawal of this rejection is respectfully requested.

### Prior Art Rejections

#### The First 35 U.S.C. §103(a) rejection

Claims 1-6 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Lee et al (U.S. Pub. No. 2004/004921 A1) in view of Kobayashi et al. (U.S. Pat. No. 5,828,639). This rejection is respectfully traversed for the reasons set forth below.

According to the Manual of Patent Examining Procedure (M.P.E.P. §2143),

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both not be found in the prior art, not in the applicant's disclosure.

#### Claim 1

Claim 1 as amended recites an information recording medium on which information is recorded or from which recorded information is produced by irradiating with an energy beam moving on/along a track relative to said medium, wherein a first location and a second location are located at different locations on said medium, data concerning a maximum linear velocity (V1max) and a minimum linear velocity (V1min) at said first location and a maximum linear velocity (V2max) and a minimum linear velocity (V2min) at said second location are recorded at a predetermined location on said medium, and the predetermined location is in an available linear velocity range. The first location and the second location recited in claim 1 are in a usable or writable linear velocity range of the medium. The predetermined location to record the data concerning the maximum linear velocities and the minimum linear velocities at different locations are in a usable or writable linear velocity range of the medium.

Lee merely shows the maximum writing speed and the minimum writing speed of a disk are recorded in a recordable region. Lee fails to show that a first location and a second location are located at different locations on said medium and data concerning a maximum linear velocity (V1max) and a minimum linear velocity (V1min) at said first location and a

maximum linear velocity (V2max) and a minimum linear velocity (V2min) at said second location are recorded at a predetermined location on said medium.

The secondary reference of Kobayashi merely shows that a track number of a track recorded on the disk is read and the data including the maximum speed and the minimum speed of the track is read from the table stored in ROM, not in the disk itself. The secondary reference of Kobayashi fails to provide any disclosure, teaching or suggestion that make up for the deficiencies in Lee. Accordingly, claim 1 is not obvious in view of all the prior art cited.

#### Claims 2-6

As to dependent claims 2-6, the arguments set forth above with respect to independent claim 1 are equally applicable here. The corresponding base claim being allowable, claims 2-6 must also be allowable.

#### The Second 35 U.S.C. §103(a) rejection

Claims 7, 8, 15, and 16 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Lee in view of Akahira et al. (U.S. Pat. No. 5,729,513). This rejection is respectfully traversed for the reasons set forth below.

#### Claims 7, 15, 16

Claims 7, 15 and 16 has the substantially same features as those of claim 1, at least with respect to a first location and a second location are located at different locations on said medium, data concerning a maximum linear velocity (V1max) and a minimum linear velocity (V1min) at said first location and a maximum linear velocity (V2max) and a minimum linear velocity (V2min) at said second location are recorded at a predetermined location on said medium and the predetermined location is in an available linear velocity range. As such, the arguments set forth above regarding Lee are equally applicable here. The secondary reference of Akahira merely shows in Fig. 4 the relationship among the radial position of the recording /reproducing track on the disk, the rotational velocity of the disk and the linear velocity according to the information storage apparatus. Akahira fails to provide any disclosure, teaching or suggestion that makes up for the deficiencies in Lee. As such, claims 7, 15 and 16 are not obvious over the prior art cited.

#### Claim 8

As to dependent claim 8, the arguments set forth above with respect to independent claim 7 are equally applicable here. The corresponding base claim being allowable, claim 8 must also be allowable.

#### The Third 35 U.S.C. §103(a) rejection

Claims 10 and 13 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Lee and Akahara as applied to claim 7, and further in view of Chen (U.S. Pub. No. 2003/0123352 A1). This rejection is respectfully traversed for the reasons set forth below.

As to dependent claims 10 and 13, the arguments set forth above with respect to independent claim 7 are equally applicable here. The secondary reference of Chen merely shows obtaining two reference linear velocities at an inner radius and an outer radius by an optimum power control. Chen, however, fails to provide any disclosure, teaching or suggestion that make up for the deficiencies in the combination of Lee and Akahara. As such, claims 10 and 13 are not obvious over the prior art cited.

#### The Fourth 35 U.S.C. §103(a) rejection

Claim 11 was rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Lee and Akahara as applied to claim 7, and further in view of Mizuno et al. (U.S. Pat. No. 6,996,052). This rejection is respectfully traversed for the reasons set forth below.

As to dependent claim 11, the arguments set forth above with respect to independent claim 7 are equally applicable here. The secondary reference of Mizuno merely shows recording short marks at a high speed. Mizuno, however, fails to provide any disclosure, teaching or suggestion that make up for the deficiencies in the combination of Lee and Akahara. As such, claim 11 is not obvious over the prior art cited.

#### The Fifth 35 U.S.C. §103(a) rejection

Claims 9 and 12 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Lee and Akahara as applied to claims 7-8, and further in view of Sato (U.S. Pub. No. 2002/0064110 A1). This rejection is respectfully traversed for the reasons set forth below.

As to dependent claims 9 and 12, the arguments set forth above with respect to independent claim 7 are equally applicable here. The secondary reference of Sato merely

shows an optical power calibration to determine an optimum recording power. Sato, however, fails to provide any disclosure, teaching or suggestion that make up for the deficiencies in the combination of Lee and Akahara. As such, claims 9 and 12 are not obvious over the prior art cited.

#### The Sixth 35 U.S.C. §103(a) rejection

Claim 14 was rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Lee and Akahara as applied to claim 7, and further in view of Morishima (U.S. Pub. No. 2003/0002409 A1). These rejections are respectfully traversed for the reasons set forth below.

As to dependent claim 14, the arguments set forth above with respect to independent claim 7 are equally applicable here. The secondary reference of Morishima merely shows obtaining an optimum record velocity from optimum power control of plural speeds while the optimum record velocity is changed. Morishima, however, fails to provide any disclosure, teaching or suggestion that makes up for the deficiencies in the combination of Lee and Akahara. As such, claim 14 is not obvious over the prior art cited.

#### Conclusion

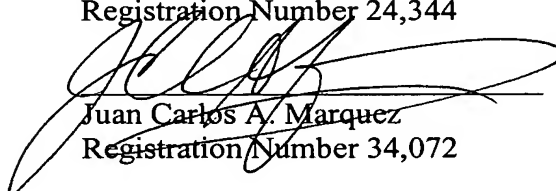
In view of all the above, Applicants respectfully submit that certain clear and distinct differences as discussed exist between the present invention as now claimed and the prior art references upon which the rejections in the Office Action rely. These differences are more than sufficient that the present invention as now claimed would not have been anticipated nor rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the

prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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